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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

333 W. Nye Lane, Room 138
Carson City, Nevada 89706

March 12, 2002

Ms. Runore C. Wycoff
Director, Environmental Restoration Division
National Nuclear Security Administration
Nevada Operations Division
P.O. Box 98518
Las Vegas, NV 89193-8518

RE: Remediation of Soils Sites on The Nellis Test and Training Range

Dear Ms. Wycoff:

The National Nuclear Security Administration Nevada Operations Office (NNSA/NV) placed the Soils Project on hold till FFY'08 due to the inability of all parties to come to agreement on the future land use, a remediation standard and how that standard would be determined.

Based on recent communications with staff from both NNSA/NV and the Nellis Air Force Base, both federal entities will be proposing a land use scenario and remediation level for the plutonium contaminated soil sites on the Nellis Test and Training Range (NTTR). The proposed remediation is based on a military future land use scenario and not for unrestricted public usage.

The Air Force is the present land manager for the NTTR, but not the ultimate landowner. The NTTR is withdrawn public land and in accordance with the Military Lands Withdrawal Act of 1999 when the land is returned, it should be "sufficiently decontaminated to be open to the operation of some or all of the public land laws" which include activities such as ranching and mining. Such land uses would require significant additional remedial actions to achieve the lower radiological contaminant levels necessary for these activities.

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It is recognized that the installation commander is authorized to make land use decisions for an installation under his authority. However, in the case of the NTTR the authority for the decision not to remediate to meet the conditions for return as stated within the Withdrawal language would at least require the concurrence on the decision, if not made within the Secretary of the Air Force's Office. Such a decision could require the Air Force to withdraw manage these lands for perpetuity, an option that was requested but not authorized by the Act.

If the NNSA/NV and the Air Force propose anything other than a remediation standard for unrestricted use they must also determine what the additional costs would be to reach an unrestricted use level. These costs would then be contained in the annual decontamination report required in accordance with the terms of the Withdrawal.

The Nevada Division of Environmental Protection (NDEP) has previously stated that we could accept an interim remediation standard that did not allow for unrestricted use as long as the proposed level was reasonable for near term activities. In acceptance of a lower standard NDEP would require the responsible parties acknowledge, in formal documentation, their long term liabilities and responsibilities relative to the long term stewardship requirements as well as the potential for future remediation of these sites.

If appears that agreement can be achieved on these matters and therefore consideration for the programming of FFY'03 funds for Soil Project activities on the NTTR should be undertaken by NNSA/NV.

Sincerely,

Paul Liebendorfer, P.E.

PJL/KKB/cb

cc

F. Kuhn, HQ AF/IEL

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